

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

LARRY FLENOID,	)	
	)	
Movant,	)	
	)	
vs.	)	No. 4:07CV8-DJS
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

MEMORANDUM AND ORDER

Pursuant to 28 U.S.C. §2255, movant Larry Flenoid seeks to vacate, set aside or correct a criminal sentence imposed by this Court. The Court's orders of February 5 and February 27, 2007 construed a newly-received §2255 motion as an amended motion, superseding entirely the prior filing.

The Court is now in receipt of movant's letter dated March 1, 2007, in which movant appears to acknowledge that the amended motion was submitted on his behalf by another (and therefore presumably not actually signed by movant) and seeks a return to the original §2255 motion earlier filed. In these circumstances, the Court will order the amended motion stricken, and the action will proceed on the basis of the original §2255 motion.

Movant's persistent use of letters to address and seek relief from the Court is inappropriate. The Court wishes to advise

the pro se movant on certain requirements pertaining to his filings with the Court. Movant is instructed that, in future, all filings shall be presented not in letter form, but as formal court motions or memoranda, and shall bear the heading as shown above setting out the name of the Court, the names of the parties and the case number in the proper format. Each such filing shall be given an appropriately descriptive title (in the space occupied by, and in the format of, the words "MEMORANDUM AND ORDER" above), which should identify the filing party and the type of motion or memorandum the party is filing. A filing requesting some form of relief or other action by the Court should be titled a "motion," such as, in the instance at hand, "MOVANT'S MOTION FOR RECONSIDERATION." The text of a motion should explain what action or relief is requested, and the reasons supporting the request. The text of a memorandum should state the filing party's position and the reasons supporting it.

In addition to these format requirements, each party to a lawsuit must serve everything he files on all other parties to the action, and must include in the filing itself a "certificate of service" indicating that this has been done. After movant's signature at the end of any filing, there should be the heading "CERTIFICATE OF SERVICE," followed by language to the effect that: "The undersigned certifies that a copy of this [Motion or Memorandum] was served on respondent this \_\_\_\_\_ day of \_\_\_\_\_,

2007 by means of: [method of service]." This should be followed by the signature of the party who certifies that the filing has been served.

Accordingly,

**IT IS HEREBY ORDERED** that movant's letter dated March 1, 2007 [Doc. #12] is construed as a request to disregard the amended §2255 motion submitted by others on movant's behalf. The request is granted, and the amended motion [Doc. #8] is hereby stricken. This action will proceed on the basis solely of movant's original §2255 motion [Doc. #1].

**IT IS FURTHER ORDERED** that respondent shall have forty-five (45) days from the date of this order in which to show cause why the operative original motion should not be granted.

**IT IS FURTHER ORDERED** that the Court may take no action on future filings which fail to comply with the requirements set forth in the memorandum portion of this order.

Dated this 8<sup>th</sup> day of March, 2007.

/s/Donald J. Stohr  
UNITED STATES DISTRICT JUDGE